

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

_____)	
TIMBERLANE REGIONAL SCHOOL DISTRICT)	
and)	
HAMPSTEAD SCHOOL DISTRICT,)	
)	
Plaintiffs,)	
)	
v.)	Case No.:
)	
FIRST STUDENTS, INC., TEAMSTERS LOCAL)	
UNION NO. 633 OF NEW HAMPSHIRE and JOHN)	
DOES 1-100,)	
)	
Defendants.)	
_____)	

PETITION FOR REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §1441 and §1446, Defendant Teamsters Local Union No. 633 (“Teamsters Local 633”) file this petition for removal of the above captioned action from the Superior Court of New Hampshire, Civil Action No. _____, and as grounds therefore states:

1. On or about the sixteenth day of November, 2016, an action was commenced against Defendants in the Superior Court of New Hampshire in which said cause is captioned under *Timberlane Regional School District and Hampstead School District v. First Student, Inc., Teamsters Union Local No. 633 of New Hampshire and John Does 1-100* 25, a copy of which is attached hereto as Exhibit A.

2. The above described action is a civil action of which this court has original jurisdiction under the provisions of 28 U.S.C. §1331 and §1337, and is one which may be removed to this Court by the petitioner, defendant therein, pursuant to the provisions of 28 U.S.C. §1441, in

that the action arises under the laws of the United States, under a law regulating commerce and seeks relief against a labor organization.

3. The Plaintiffs Timberlane Regional School District (“Timberlane”) and Hampstead School District (“Hampstead”) (collectively, the “Districts”) are municipal corporations.

4. Defendant First Student, Inc., (“First Student”) is a Delaware corporation engaged in the business of providing school buses for the New Hampshire public school districts including Timberlane. First Student enters into contracts for bus transportation on a district by district basis.

5. Teamsters Local 633 is labor organization established under the National Labor Relations Act to represent employees in collective bargaining. The Union is a recognized, certified organization representing for collective bargaining purposes for bus drivers employed by First Student in New Hampshire.

6. John Does 1-100 are bus drivers employed by First Student within New Hampshire and are members of Teamsters Local 633.

7. The Plaintiff’s cause of action alleges that Defendant Teamsters Local 633 will breach its collective bargaining agreement for student transportation services by engaging in a labor strike of school bus drivers. This cause of action is one over which this Court has original jurisdiction as it arises under 29 USC § 185(a), § 301(a) of Labor Management Relations Act (LMRA) which governs suits for violation of contracts between employers and labor organizations. As such, this action is of a civil nature of which the District Courts of the United States that have original jurisdiction. See *Avco Corp. v. Aero Lodge No. 735, Int’l. Ass’n. of Machinists and Aerospace Workers*, 390 U.S. 557 (1968) (where the Supreme Court found that an action arising under §301 is properly removed to the United States District Court pursuant to 28 U.S.C. §1441).

7. A copy of the Plaintiffs Petition was sent to Defendants Teamsters Local 633 and First Students on November 16, 2016, and this notice of removal is filed within thirty (30) days.

8. Written notice of the filing of this petition will be given to adverse parties as required by law.

9. A true copy of this petition has been filed with the Superior Court of New Hampshire, as provided by law.

WHEREFORE petitioner respectfully requests that the above action now pending against it be removed from the Superior Court of New Hampshire to this Court and that it proceed herein.

Respectfully submitted,
For Teamsters Local Union No. 633

By their Attorneys,

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Date: November 17, 2016

CERTIFICATE OF SERVICE

I, hereby certify that I served a copy of the foregoing document in hand on November 17, 2016 upon James A. O'Shaughnessy, Esq. of Drummond Woodsum and via email to David Fairweather, Area Manager, First Student at David.Fairweather@firstgroup.com and Michael Petrucci, Esq. General Counsel for First Student at michael.petrucci@firstgroup.com.

/s/ William R. Cahill, Jr.
William R. Cahill, Jr.